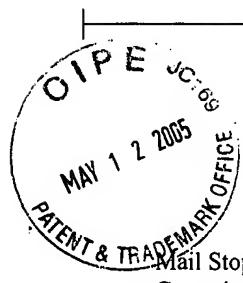


PARSONS HSUE & DE RUNTZ LLP

655 MONTGOMERY STREET, SUITE 1800 SAN FRANCISCO, CA 94111
 TEL 415.318.1160 FAX 415.693.0194



May 10, 2005

Mail Stop Issue Fee

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: Applicant(s): Rush et al.

Title: Device and Method Employing Shape Memory Alloy

Application No.: 10/683,659 Filing Date: October 9, 2003

Examiner: Timothy P. Solak Group Art Unit: 3746

Docket No.: THER.008US1 Conf. No.: 1810

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Return Receipt Postcard;
- (2) This Transmittal Letter (1 page - in duplicate);
- (3) Comments on Statement of Reasons for Allowance (2 pages);
- (4) Submission of Formal Drawings (1 page);
- (5) Formal Drawings (10 sheets);
- (6) Issue Fee Transmittal (1 page); and
- (7) Check for \$1709.00.



No additional fee is required.



The fee has been calculated as shown below:

<input checked="" type="checkbox"/> Issue Fee (\$1400.00), Publication Fee (\$300.00) and Soft Copies (\$9.00)	\$	\$1709.00
Total Fee:	\$	\$1709.00

- Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.
- Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502664.

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on *5/10/05*

Signature
Bethen Boue

Respectfully submitted,

K. Alison de Runtz
Reg. No. 37,119



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Rush et al.
Title: Device and Method Employing Shape Memory Alloy
Serial No.: 10/683,659 Filed: October 9, 2003
Examiner: Timothy P. Solak Group Art Unit: 3746
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Galeen Bone
Signature

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

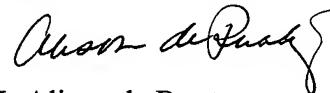
The comments herein are submitted in response to the Reasons for Allowance that accompanied the Notice of Allowance and Fee(s) Due that was mailed on February 23, 2005. Entry and consideration of these comments are respectfully requested.

COMMENTS

In the Reasons for Allowance, the Office indicated that the prior art of record does not teach or make obvious the apparatus/method of Claims 11, 49 and 52, and then proceeded to paraphrase the device Claim 11. The Office's indication that the prior art of record does not teach or make obvious the apparatus/method of Claims 11, 49 and 52, is acknowledged and much appreciated. It is respectfully submitted that the prior art fails to teach or suggest the device of Claim 11, and the device of each of Claims 11-22, 24-48, and 57 depending variously therefrom, as recited; fails to teach or suggest the method of Claim 49, and the method of each of Claims 50, 51, 58/49, and 59/49 depending variously therefrom, as recited; and fails to teach or suggest the method of Claim 52, and the method of each of Claims 53-56, 58/52, and 59/53 depending variously therefrom, as recited.

The Examiner is invited to call the undersigned at (415) 318-1164 as to any matter that may expedite issuance of the patent.

Respectfully submitted,



K. Alison de Runtz
Reg. No.: 37,119

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Applicant(s): Rush et al.

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Signature

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Dear Sir:

Ten (10) sheets of formal drawings, consisting of Figures 1A, 1B, 2A, 2B, 2C, 3, 4, 5, 6, 7, 8, and 9, are hereby submitted in the above-named application. If there are any questions regarding these drawings, please call the undersigned.

Respectfully submitted,

K. Alison de Runtz

Reg. No. 37,119

May 10, 2005

Date

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